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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,488	01/15/2004	Lior Goldenberg	27067	4156

7590 04/06/2006  
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EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/757,488	GOLDENBERG, LIOR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ahshik Kim	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/2/06 (Amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on February 2, 2006. In the  
5 amendment, claims 65-76 were canceled, and claims 1, 28, and 42 were amended. Currently,  
claims 1-64 remain in the examination.

### *Claim Rejections - 35 USC § 102*

10 2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
patent by another filed in the United States before the invention by the applicant for patent, except that an  
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
subsection of an application filed in the United States only if the international application designated the United  
States and was published under Article 21(2) of such treaty in the English language.

20 3. Claims 1-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Soltys et al. (US  
6,595,857, hereinafter "Soltys").

Re claims 1, 6, 13, 15, 16, 20, 22, 24, 26-28, 31-37, 42, 43, 47, 53-56, 59 and 61-64,  
Soltys discloses a method of validating stacked substantially flat items – at least one deck of  
playing cards (see abstract; col. 2, lines 24+). As illustrated in figure 5 and 6, the flat items,  
25 making up a deck (or several decks of cards) are marked along one edge of the card, and the  
stack is identifiable from an edge (col. 6, line 58 – col. 7, line 38). In alternate embodiment, the  
marking can be any edge, side, top or bottom. The card deck reader automatically reads a

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symbol from each card in a deck (col. 2, lines 23+). The symbol identifies value of the card in terms of rank and suit. The card reader is comprised of the card reader head 84 which further includes CCD array (col. 16, lines 7+). As shown in figure 19, the captured image is decoded to produce card-identifying information (col. 15, lines 52+). As shown in step 304 and others, the  
5 stack must contain all the cards to ensure fair operation (col. 11, lines 16+).

Re claims 2-4, 9, 10, 14, 29, 30, 38-40, 44-46, 50, and 51, the marking on the side can be done with the ink that are only visible under infrared spectrum (col. 7, lines 23-28).

Re claims 5, 7, 8, 11, 41, 48, 49, and 52, relying on figure 5, the card without the bar code would be identified as not belonging to a respective set (or deck). Furthermore, the code  
10 appears to occupy entire length of the side.

Re claims 12 and 23, the code can be a barcode or matrix code (col. 2, lines 30-31).

Re claim 17, a card shoe 20 (see figure 8) can hold more than a single deck depending on the rules of the game.

Re claims 18, 25, 57, and 58, although not explicitly stated, the foreign item, at least in a  
15 deck of playing card context (particularly in casino games) would be noticed by the players or the dealers. Depending on the type of the game, the rank of the card can be associated with win.

Re claims 21 and 60, although Soltys does not explicitly disclose thickness of the card, it is the Examiner's view that a conventional playing card is thinner than a millimeter.

### *Response to Arguments*

4. Examiner carefully reviewed and considered amended claims and remarks filed by Applicant. Soltys discloses a single/multiple deck or cards. The cards are marked with barcode

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indicating the identity of each card. The barcode is marked on the top or bottom “edge” of the face. According to dictionary definition ([www.dictionary.com](http://www.dictionary.com)) edge means both what Applicant claims – “a thin, sharpened side”, and the Soltys patent discloses – “the area or part away from the middle; an extremity.”

5 Examiner also notes that in the Soltys patent, in order for all the marks to be visible, the deck is not stacked squarely. However, it is the Examiner’s view that skewed stack still “stacked substantially flat items”, meeting the part of claim 1 “flat items having edges in relation to at least one predetermined set of items, .....”

Applicant's arguments with respect to the amended claims further clarifying the claims  
10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

15 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period  
20 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The fax number directly to the Examiner is (571)273-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Ahshik Kim  
Primary Examiner  
Art Unit 2876  
March 29, 2006